UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,605	02/03/2004	Rodric C. Fan	70442.3	3431

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ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/771,605</td><td>Applicant(s)
FAN ET AL.</td></tr>
<tr><td>Examiner
EUGENE YUN</td><td>Art Unit
2618</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33,35 and 36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33,35 and 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-33, 35, and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lazaridis et al. (US 6,219,694) in view of Thomas (US 7,366,522).

Referring to Claim 1, Lazaridis teaches a communication system comprising:

A mobile unit having a processor, a memory, and a wireless modem for

generating a report (see col. 13, lines 6-19).

Lazaridis does not teach a user interface unit that generates and transmits a

configuration command for configuring a report; and the mobile unit collecting data

about physical status of the mobile unit, automatically using the data to generate a

report according to the configuration command, formatting the report according to an

electronic mail protocol, and transmitting the report to the user interface unit. Thomas

teaches a user interface unit that generates and transmits a configuration command for

configuring a report; and the mobile unit collecting data about physical status of the

mobile unit, automatically using the data to generate a report according to the

configuration command (see col. 3, lines 51-54 noting that there is no user interaction in

the client device which means that the location report is automatically generated),

formatting the report according to an electronic mail protocol, and transmitting the report

to the user interface unit (see col. 3, lines 60-64 noting that the user interface unit is the location monitoring server). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Thomas to said device of Lazaridis in order to better utilize unused service capacity.

Referring to Claim 2, Lazaridis also teaches the status report transmitted from the mobile unit to the user interface unit according to one of SMTP, POP, IMAP, MIME, RFC-822, and IM protocols (see col. 10, lines 53-57).

Referring to Claim 3, Thomas also teaches a detection component coupled to the processor, wherein the detection component comprises a sensor for measuring a physical parameter (see col. 3, lines 53-54).

Referring to Claim 4, Thomas also teaches a means for determining a position of the mobile unit (see col. 3, lines 53-54).

Referring to Claim 5, Thomas also teaches a receiver for receiving positioning data from satellites, allowing the processor to use the positioning data for determining a position of the mobile unit (see col. 7, lines 55-60).

Referring to Claim 6, Lazaridis also teaches the memory storing the status report for a predefined length of time after the status report is transmitted to the user interface unit (see col. 3, lines 7-14).

Referring to Claim 7, Lazaridis also teaches a plurality of mobile units including the mobile unit, wherein the user interface unit is connected to a backend processing unit for combining status reports generated by the plurality of mobile units (see col. 3, lines 36-46).

Referring to Claim 8, Lazaridis also teaches an input device for receiving information from a user and an output device for presenting information to a user (see col. 8, lines 11-25).

Referring to Claim 9, Thomas also teaches the report format changeable through the user interface unit (see col. 6, lines 29-33).

Referring to Claim 10, Lazaridis also teaches reconfiguring the status report according to a command received from the user interface unit (see col. 6, lines 7-20).

Referring to Claim 11, Lazaridis also teaches a database for manually entering peripheral data, wherein the peripheral data is used for compliance with the report format (see col. 8, lines 32-40).

Referring to Claim 12, Thomas also teaches the peripheral data comprising at least one of landmarks, maps, speed limits, and traffic light positions for the mobile unit to use as a positional reference in the status report, wherein the positional references indicates a position of the mobile unit (see col. 4, lines 57-60).

Referring to Claim 13, Thomas also teaches adding landmarks to the database for use in the status report (see col. 4, lines 52-60).

Referring to Claim 14, Thomas also teaches transmitting one or more landmarks to the mobile unit for use as a positional reference in the status report (see col. 4, lines 52-60).

Referring to Claim 15, Lazaridis teaches a mobile communication device comprising:

A detection component for measuring a status (see col. 2, lines 61-65).

A processor connected to the detection component, wherein the processor is for generating a report incorporating the status (see col. 13, lines 6-19); and

A wireless modem and memory connected to the processor, wherein the memory is for storing the status report (see col. 3, lines 7-14).

Lazaridis does not teach measuring a physical status and generating the report according to an external configuration command. Thomas teaches measuring a physical status and generating the report according to an external configuration command (see col. 3, lines 51-54), wherein the status report is transmitted according to a predetermined electronic mail protocol once the physical status fulfills a condition (see col. 3, lines 60-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Thomas to said device of Lazaridis in order to better utilize unused service capacity.

Referring to Claim 16, Lazaridis also teaches the electronic mail protocol as one of SMTP, POP, IMAP, MIME, RFC-822, and IM protocols (see col. 10, lines 53-57).

Referring to Claim 17, Thomas also teaches a means for determining a position of the mobile communication device (see col. 3, lines 53-54).

Referring to Claim 18, Thomas also teaches a database for storing landmarks, maps, speed limits, and traffic light positions for the mobile unit to use as a positional reference in the location of the mobile communication device (see col. 4, lines 52-60).

Referring to Claim 19, Lazaridis also teaches the condition as one of:

A passage of a predetermined amount of time since a previous transmission, a predetermined relationship between the physical parameter and a reference value, a

minimum distance traveled since a previous transmission, and a command from an

external source to transmit the status report (see col. 6, lines 7-20).

Referring to Claim 20, Lazaridis teaches a method of communication comprising:

Obtaining data (see col. 7, lines 1-4); and

Transmitting the report using one of SMTP, POP, IMAP, MIME, RFC-822, and IM

protocols (see col. 10, lines 53-57) if the data satisfies a predefined condition, without

receiving an external command to transmit (see col. 6, lines 7-20).

Lazaridis does not teach obtaining data about a physical status of a mobile unit,

remotely receiving a configuration command about configurations for a report,

automatically preparing the report in accordance with the configurations in the

command, where the report incorporates the data. Thomas teaches obtaining data

about a physical status of a mobile unit, remotely receiving a configuration command

about configurations for a report (see col. 3, lines 51-54), automatically preparing the

report in accordance with the configurations in the command (see col. 3, lines 51-54

noting that there is no user interaction in the client device which means that the location

report is automatically generated), where the report incorporates the data (see col. 3,

lines 60-64). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to provide the teachings of Thomas to said device of

Lazaridis in order to better utilize unused service capacity.

Referring to Claim 21, Lazaridis teaches determining whether the data fulfills a

predefined condition by comparing the data against a reference value (see col. 7, lines

36-45).

Referring to Claim 22, Lazaridis also teaches the data as at least one of position information, calculated information, physical parameters, and environmental parameters (see col. 6, lines 60-65).

Referring to Claim 23, Lazaridis also teaches time-stamping the status report (see col. 3, lines 20-24).

Referring to Claim 24, Lazaridis also teaches storing the status report for a predetermined period of time (see col. 8, lines 52-55).

Referring to Claim 25, Lazaridis also teaches counting a length of distance traveled or time passed since a previous transmission to determined if the data satisfies the predefined condition (see col. 3, lines 20-24).

Referring to Claim 26, Thomas also teaches reconfiguring the status report in response to a configuration command, wherein the configuration command is received in an e-mail format (see col. 3, lines 60-64).

Referring to Claim 27, Lazaridis also teaches comparing the data against an emergency condition and transmitting an alert signal if the data satisfies the emergency condition (see col. 1, line 66 to col. 2, line 4).

Referring to Claim 28, Lazaridis also teaches receiving an enabling command for adding new data to a database, and adding new data to the database before receiving a disabling command for disabling addition of new data to the database (see col. 8, lines 32-40).

Referring to Claim 29, Lazaridis also teaches preparing the status report in a human-readable format such that no format conversion is necessary before the status report is presented to a viewer (see col. 6, lines 7-20).

Referring to Claim 30, Lazaridis also teaches the human-readable format is one of HTML and text format (see col. 6, lines 7-20).

Referring to Claim 31, Lazaridis also teaches preparing the status report in a standard application format (see col. 6, lines 7-20).

Referring to Claim 32, Lazaridis also teaches encrypting the status report prior to transmission (see col. 6, lines 52-65).

Referring to Claim 33, Lazaridis also teaches receiving a message in one of SMTP, POP, IMAP, MIME, RFC-822, and Instant Messaging (IM) protocols; and authenticating the received message (see col. 10, lines 53-57).

Referring to Claim 35, Lazaridis teaches a mobile device for communication via a wireless network, comprising:

means for obtaining data (see col. 6, line 60 to col. 7, line 4).

Lazaridis does not teach means for obtaining physical and positioning data and receiving a configuration command. Thomas teaches means for obtaining physical and positioning data and receiving a configuration command (see col. 3, lines 51-54), means for preparing a report using the physical data and the positioning data, wherein the report includes data requested in the configuration command, and means for transmitting the report in an electronic mail format without receiving an external command to transmit (see col. 3, lines 60-64). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to provide the

teachings of Thomas to said device of Lazaridis in order to better utilize unused service

capacity.

Claim 36 has similar limitations as claim 35.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-33 have been considered but are

moot in view of the new ground(s) of rejection.

4.   Applicant's arguments filed 7/24/2009 have been fully considered but they are

not persuasive.

The applicant argues that the Thomas reference does not teach a "configuration

command" transmitted from the user interface unit to the mobile unit. First of all, the

claims do not state anything at all about any type of information being transmitted to a

mobile unit, much less a configuration command. For this reason alone, the examiner

states this argument as moot. However, the examiner will point to the cited passage to

explain how the Thomas reference teaches a configuration command.

Looking at col. 3, lines 54-60 of the Thomas reference, a determination is made

whether the location information gathered is greater than the previous location by a

delta amount. Since this information is constantly varying, it is obvious that is

information is being configured and reconfigured. Therefore, since the claims do not rule

out the information and command relating to location information, the cited passage in

the Thomas reference teaches a "configuration command" and the examiner stands by

the combination of Lazaridis and Thomas in order to read on the claim limitations.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to EUGENE YUN whose telephone number is (571)272-

7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Duc Nguyen can be reached on (571)272-7503. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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